

There are two fundamental problems with any mandated adoption of copy protection associated with broadcast HDTV. Either of these problems should be sufficient grounds for denying any mandate requiring copy protection, or permitting any broadcast which is not compliant with previously-established ATSC broadcast standards.

HDTV-ready television sets have been marketed for quite some time now. I myself have replaced a television set originally purchased in 1987 with a HDTV-ready television set purchased this year. The vast majority of these HDTV-ready television sets have only analog inputs, for which copy-protected HDTV-receivers will not provide a signal when the broadcast bit is enabled. Copy protection of the proposed sort will immediately obsolete all such television sets well before the end of their approximately 15-year lifespan (as measured by the longevity of my previous unit). This is a highly-tangible taking of my private property, which as a public-policy matter should take priority over the highly-intangible losses the entertainment industry is crying about. Indeed, the entertainment industry is proposing taking from the public's pocket and crying over imaginary milk they haven't spilt.

The second problem is the fact that the Federal government and the FCC have seen fit to give away the frequency space for HDTV broadcast to broadcasters for free. It is an unjustified use of the public resource for private gain if mandated adoption of copy protection makes it impossible for the public to enjoy use of the public airwaves for the purpose for which they were freely given.